

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4856 of 2018

- Sunil Vishwakarma S/o Shri Parmanand Vishwakarma, Aged About 30 Years, R/o Shubhash Nagar, Police Station Moti Nagar, Tehsil Sagar and District Sagar (M.P.), District : Sagar, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sankra, District Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh

----Non-applicant

For Applicant – Shri Ashok Yadav, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 05-09-2017 in connection with Crime No.134/2016 registered at P.S. - Sankra, District Mahasamund, Chhattisgarh for the offence under Section 20(B) of the N.D.P.S. Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 05-09-2017. The applicant has no connection with the crime in question as it is stated that this applicant is owner of the abandoned vehicle, that is not established from the material present in the case against him. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has made admission statement before the police admitting his guilt regarding the ownership of the car in which the contraband was being transported. Apart from that he is owner of the car from which the contraband has been seized. Hence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. Police personnel of Police Station Sankra, District Mahasamund made seizure of 80 kg. Ganja from one abandoned car bearing registration No. MP 15 CA 0496. Later on, in the investigation it appears that the car had been purchased by this applicant. Hence, this case.
6. Considered on the material present in the case diary. The registered owner of the seized car is Krishna Kumar Soni who had sold the car to one Kanhaiya Tiwari, Kanhaiya Tiwari, in turn, sold it to Avanish Dubey and Avanish Dubey has sold the said car to the present applicant. Apart from the oral statement, there is no seizure made regarding the ownership documents of the car from this applicant or any other person. Hence, after due consideration, I am of this opinion that this applicant deserves to be granted regular bail.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge